



1731

PATENT
ATTORNEY DOCKET NO.: KCX-274(15145)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application:)
Wallajapet, et al.)
Serial No.: 09/643,979)
Filed: August 22, 2000)
Title: Tissue Products Having Increase)
Absorbency)

Examiner: Unknown

Group Art Unit: 1731

Deposit Account No.: 04-1403

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ORIGINALLY FILED

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TC 1700

Commissioner for Patents
Washington, D.C. 20231

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

Dear Sirs:

This is a petition to withdraw the holding of abandonment due to mistake by the Patent Office. Specifically, Applicants received a Notice of Abandonment dated August 7, 2002 (a copy of which is attached herewith as Exhibit A). The Notice states that no reply to the Notice to File Missing Parts of a Nonprovisional Application was received. However, for at least the reasons set forth below, Applicants respectfully submit that a response was in fact filed, but misplaced by the Patent Office:

(1) The present application was filed on August 22, 2002. A copy of the Utility Patent Application Transmittal form and an Express Mail Certificate of Mailing are attached herewith as Exhibit B.

(2) An itemized "return receipt postcard" was filed with the present application. The postcard was subsequently returned to Applicants' attorney with a

stamp of the Patent Office dated August 22, 2000 and bearing the Serial No.

09/643,979. A copy of this returned postcard is attached herewith as Exhibit C.

(3) A "Filing Receipt" was subsequently mailed to Applicants' attorney on October 13, 2000 granting the Serial No. 09/643,979 to the present application (a copy of the Filing Receipt attached herewith as Exhibit D).

(4) In addition, a "Notice to File Missing Parts of Nonprovisional Application" was also mailed to Applicants' attorney October 13, 2000. The "Notice to File Missing Parts" bore the Serial No. 09/643,679 and listed the filing date as August 22, 2000 (a copy of the Notice to File Missing Part is attached herewith as Exhibit E).

(5) In response to the "Notice to File Missing Parts", Applicants submitted a Filing Completion to the Patent Office on November 14, 2000. The Filing Completion included the following documents (copies attached as Exhibit F): (1) Rule 53 signed Declaration; (2) Assignment and related Recordation Cover Sheet; (3) Information Disclosure Statement and List with references; (4) Return Copy of the PTO Notice to File Missing Parts; (5) Filing Fee with Deposit Account authorization for additional charges; and (6) Cover Sheet. An itemized return receipt postcard was also included with this filing. All of the aforementioned documents referenced the Serial No. 09/643,679.

(6) The return receipt postcard was received by Applicants' attorney in response to the "Filing Completion" dated November 16, 2002 (a copy of which is attached herewith as Exhibit G). The stamp of the Patent Office, however, incorrectly set forth a serial number of 09/713,826, instead of 09/643,679.

(7) A Notice of Recordation of Assignment Document was also subsequently received with the original Assignment Recordation Cover Sheet (a copy of which is attached herewith as Exhibit H). The Notice of Recordation of Assignment Document correctly identifies the serial number of the application as 09/643,979; however, the Recordation Form Cover Sheet was incorrectly stamped by the Patent Office with a serial number of 09/713,826.

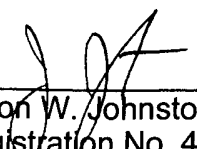
(8) Thus, Applicants respectfully submit that the "Filing Completion" documents, including the required fee and Rule 53 Declaration, were properly filed on November 14, 2000 in response to the "Notice to File Missing Parts" dated October 13, 2000. The "Filing Completion" documents also included the proper reference to Serial No. 09/643,979.

(9) It appears that the Patent Office associated the properly filed "Filing Completion" documents with the wrong serial number of 09/643,979, instead of the correct serial number of 09/713,826. Applicants believe that this is the sole reason for the present Notice of Abandonment dated August 7, 2002 (a copy of which is attached herewith as Exhibit A).

In view of the foregoing, Applicants respectfully request that the holding of abandonment of this application be withdrawn on the basis that there was no abandonment in fact.

Applicants further request that the "Filing Completion" documents referenced above be properly associated with Serial No. 09/643,979, and that prosecution of this application continue accordingly.

Respectfully submitted,
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Date : 8/19/02

I hereby certify that this correspondence and the referenced attachments are
being deposited with the United States Postal Service as first class mail in an envelope
addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on

August 19, 2002

Lynn Watkins

